

CENTRAL INTELLIGENCE AGENCY

Executive Registry

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26 January 1976

To: Morning Meeting Participants

Subject: Senate Select Committee
Draft Oversight Bill

Attached is the latest draft of the Senate Select Committee oversight bill. We have lost ground. In particular take a look at Section 10A where we do not have a clear requirement that the Senate affirmatively vote for a disclosure in the face of a Presidential certification to the contrary. Section 13C had been deleted in earlier drafts.

██████████ indicated that the members STATINTL voted this provision put back in the bill. I believe this to be Constitutionally flawed and we have expressed our opinion on this to the staff.

STATINTL

████████████████████
Special Counsel to the Director

Attachment

CONGRESS

SESSION

S.

January 23, 1976
those provided for the date, num-
ber, and reference of bill.)

IN THE SENATE OF THE UNITED STATES

Mr.

Introduced the following bill; which was read twice and referred to the Committee on

A BILL

To establish a Standing Committee of the Senate on Intelligence Activities, and for other purposes.

(Insert title of bill here)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Intelligence Oversight Act of 1976".

SEC. 2. It is the purpose of this Act to establish a new standing committee of the Senate, to be known as the Committee on Intelligence Activities, to oversee and to make continuing studies of the intelligence activities and programs of the United States Government. In carrying out this purpose, the Committee on Intelligence Activities shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the Executive and Legislative Branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this Act to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in

conformity with the Constitution and laws of the United States.

SEC. 3. Sections 4 through 12 of this Act are enacted --

- (1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the Standing Rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and
- (2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

SEC. 4. Rule XXIV of the Standing Rules of the Senate is amended by adding at the end thereof of a new paragraph as follows:

"3. (a) Five members of the Committee on Intelligence Activities shall be appointed by the majority leader of the Senate and four shall be appointed by the minority leader of the Senate.

"(b) No Senator may serve on the Committee on Intelligence Activities for more than six years, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, the requirements of this section shall be met by selecting three Senators to serve on the committee at the beginning of the Ninety-sixth Congress and each Congress thereafter who did not serve on such committee during the preceding Congress.

"(c) At the beginning of each Congress, the members of the Committee on Intelligence Activities appointed by the majority leader shall select a chairman and the members of such committee appointed by the minority leader shall select a vice chairman. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman."

SEC. 5. (a) Paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new subparagraph:

"(s)(1) Committee on Intelligence Activities, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

"a. The Central Intelligence Agency and the Director of Central Intelligence.

"b. Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of Justice; the Department of State; and the Department of the Treasury.

"c. The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

"d. Authorizations for appropriations for the following:

"(1) The Central Intelligence Agency.

"(2) The Defense Intelligence Agency.

"(3) The National Security Agency.

"(4) The intelligence activities of other agencies and units of the Department of Defense.

"(5) The intelligence activities of the Department of State.

"(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Domestic Intelligence Division.

"(7) The intelligence activities of any successor departments or agencies named in this subclause.

"(s)(2) The Committee on Intelligence Activities shall have exclusive jurisdiction over all legislation referred to it pursuant to subclause (a) and (d). Nothing in this resolution shall repeal or diminish such other concurrent jurisdiction which is provided other

standing committees of the Senate."

(b) Paragraph 3 of Rule XXV of the Standing Rules of the Senate is amended by inserting:

"Intelligence Activities -----9"

immediately below

"District of Columbia -----7".

(c) Paragraph 6 of Rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new subparagraph:

"(i) For the purposes of this paragraph, service of a Senator as a member of the Committee on Intelligence Activities shall not be taken into account".

SEC. 6. The Committee on Intelligence Activities of the Senate, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters deemed by the Committee on Intelligence Activities to require the immediate attention of the Senate or such other committee or committees. In making such reports, the committee shall proceed in such manner as will protect national security.

SEC. 7. No member of the Committee on Intelligence Activities of the Senate and no employee of such committee shall disclose, except in closed session of the Senate, any information in the possession of or obtained by such committee relating to the activities of the Central Intelligence Agency or the intelligence activities of any other department or agency of the United States, unless authorized by such committee.

SEC. 8. (a) No person may be employed as a professional staff member of the Committee on Intelligence Activities of the Senate or be engaged by contract or otherwise to perform professional services for or at the request of such committee for a period totaling

more than six years.

(b) No employee of such committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has

- (1) agreed to be bound by the rules of the Senate and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and
- (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence.

The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 9. The Committee on Intelligence Activities of the Senate shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 10. (a) The Committee on Intelligence Activities of the Senate may, after full and considered consultation with appropriate officials of the Executive Branch, disclose any information upon the Committee's determination that the national interest would be served by such disclosure. In any case in which such committee decides to

disclose any information requested to be kept secret by the President, such committee shall notify the President to that effect. Such committee may not disclose such information until the expiration of ten days following the day on which notice is transmitted to the President. If (1) prior to disclosure of such information the President submits a written certification to the Senate through such committee stating his opinion, and the reasons therefore, that (a) the threat to national security posed by such disclosure outweighs any public interest in disclosure; and (b) the question of disclosure is of such importance to the vital interest of the United States that it requires a decision by the full Senate, and (2) after timely receipt of a certification by the President made pursuant to this subsection, the Committee on Intelligence Activities determines by majority vote to refer the question of disclosure of such information to the Senate, such information may not be disclosed unless the Senate agrees to a resolution approving the disclosure of such information, or the Senate agrees to a resolution referring the matter to the Committee on Intelligence Activities for final disposition, and the Committee on Intelligence Activities thereafter approves the disclosure of such information by majority vote.

(b) Any question referred to the Senate by the Committee on Intelligence Activities pursuant to subsection (a) shall be disposed by the Senate by a vote on such question within three calendar days following the day on which the question is reported to the Senate, excluding days on which the Senate is not in session.

SEC. 11. The Committee on Intelligence Activities of the Senate is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 12. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established

by Senate Resolution 21, 94th Congress, all records, files, documents, and other materials in the possession, custody or control of such committee shall be transferred to the Committee on Intelligence Activities.

SEC. 13. (a) Notwithstanding any other provision of law, it shall be the duty of the head of each department and agency of the United States to keep the Committee on Intelligence Activities of the Senate fully and currently informed with respect to intelligence activities which are the responsibility of or engaged in by such department or agency.

(b) Notwithstanding any other provision of law, it shall also be the duty of the head of any department or agency of the United States involved in any intelligence activities to furnish any information or document in its possession, custody, or control, or witness in its employ, whenever requested by the Committee on Intelligence Activities of the Senate with respect to any matter within such committee's jurisdiction.

~~(c) In order that the Committee on Intelligence Activities of the Senate may have sufficient time to consult with and advise any department or agency of the United States regarding certain kinds of intelligence activities proposed to be carried out by such department or agency, before such department or agency initiates such activities, such committee is authorized to specify any type or kind of intelligence activity which in its judgment is especially sensitive and with respect to which such committee should be given notice prior to the initiation of any such activity.~~

SEC. 15. As used in this Act, the term "intelligence activities" means (1) the collection, analysis, production, dissemination or use of information affecting the relations of the United States with foreign governments, and other activity which is in support of such information; (2) activities taken to counter similar activities directed against the United States; (3) the collection, analysis, production, dissemination, or use of information about

§14. Enacts provisions of §5 re: Authorization

those activities of persons within the United States, its territories and possessions, or United States citizens abroad, which is, or may be, considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose a threat to the security of the United States, and covert or clandestine activities directed against persons engaged in such activities; and (4) covert or clandestine activities affecting the relations of the United States with foreign governments. Such term does not include tactical foreign military intelligence serving no national policymaking function.

SEC. 16. Nothing in this Act shall be construed as constituting an authorization for the conduct of any activity not otherwise authorized by law.

SEC. 17. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby.